

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25534 of 2007

Between:

Pillichevula Guravaiah.

.. PETITIONER

and

The Mandal Revenue Officer and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25534 of 2007

ORDER:

It is the case of the petitioner that he is in possession and enjoyment of

the house bearing Nos.349 and 350 situated at Sathuluru Village, Nadendla Mandal, Guntur District. While so, the Mandal Revenue Inspector, Nadendla, issued notice under Section 7 of A.P.Land Encroachment Act, 1905 (for short "the Act") calling upon the petitioner as to why he shall not be dispossessed from the land in question on the ground that one Pillichevula Guruvaiah made a complaint alleging that the petitioner encroached the said land. It is further stated that the Chairman, Legal Services Authority, Nadendla, in P.L.C.No.17 of 2007 passed oral order, dated 22-09-2007, to handover the said house site in favour of the patta holder Kondrati Budaiah. It is stated that the petitioner filed an explanation before the Mandal Revenue Inspector on 19-11-2007, but without considering the said explanation, the Tahsildhar passed the order on 22-11-2007 under Section 6 of the Act on the ground that though seven days time has been given calling upon the petitioner to vacate the said land, the petitioner has not vacated. Aggrieved by the same, the petitioner filed an appeal under Section 10 of the Act before the Revenue Divisional Officer on 23-11-2007 and the same is pending. Pending disposal of the appeal, the 1st respondent came to the house of the petitioner on 27-11-2007 and locked the house forcibly.

I am of the prima facie opinion that the Mandal Revenue Inspector has no power or authority to issue a notice under the Land Encroachment Act, that too initiate action on the oral orders of the Legal Services Authority. But, however, the explanation, which is filed before the Mandal Revenue Inspector, was not considered and the Tahsildar passed the impugned order. Anyhow, the appeal filed by the petitioner against the order of the 1st respondent, dated 22-11-2007, is pending before the Revenue Divisional Officer.

Having regard to the facts and circumstances of the case, the writ petition is allowed with costs of Rs.2,000/- (Rupees two thousand only) directing respondents 1 and 2 to handover possession of the house in question to the petitioner, pending disposal of the appeal before the 3rd respondent. Further, the 3rd respondent may consider and dispose of the

appeal filed against the notice issued by the 1st respondent on 22-11-2007,
as expeditiously as possible, in accordance with law, after giving reasonable
opportunity to all the concerned.

30-11-2007

Prv